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8 Attorneys for Defendant  
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16 Attorneys for Plaintiff

17 UNITED STATES DISTRICT COURT  
18  
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
20  
21 SAN JOSE DIVISION  
22

23 TIEN NGUYEN

24 Plaintiff,

25 v.

26 TOP INNOVATIONS, INC.

27 Defendant

No. 5:07-CV-04386-JF

**JOINT STIPULATION TO EXTEND  
TIME FOR MEDIATION AND TO  
CONTINUE CASE MANAGEMENT  
CONFERENCE**

28 Pursuant to Civil Local Rules 6-1 and 6-2, Defendant Top Innovations, Inc. ("Top") and  
Plaintiff Tien Nguyen ("Plaintiff") hereby enter into the following Joint Stipulation, requesting an  
Order continuing the Mediation deadline and Case Management Conference.

1 All parties agree that, in order to engage in meaningful discovery prior to the Mediation, the  
2 Mediation deadline and Case Management Conference should be continued. Plaintiff, by and through  
3 his counsel of record, Norland & Kays, and Top, by and through its counsel of record, Yaron &  
4 Associates, stipulate to the following:

- 5 1. The current schedule calls for Mediation of this matter to be completed by March 6,  
6 2008;
- 7 2. The current schedule has a Case Management Conference scheduled for March 14, 2008, at  
8 10:30 a.m.;
- 9 3. The parties seek an extension of the Mediation completion date to May 15, 2008, and seek a  
10 continuance of the Case Management Conference to May 16, 2008, at 10:30 a.m.;
- 11 4. The reasons for this request are as follows:
  - 12 a. Top subpoenaed Plaintiff's employment and medical records from Eunisol and An Ngoc  
13 To, M.D. related to Plaintiff's damages claims. Their responses were due by February  
14 11, 2008, but were not produced. As to Dr. To, she recently produced partial records,  
15 but Eunisol has produced no records. Accordingly, Top must bring a Motion to Compel  
16 the production of these records.
  - 17 b. The documents subpoenaed by Top are central to Plaintiff's claim for damages.
  - 18 c. Top served special discovery requests on Plaintiff on January 9, 2008. Plaintiff's  
19 responses were due by February 19, 2008, but have not yet been received. If Plaintiff's  
20 responses are not received by March 7, 2008, Top will be bringing a Motion to Compel  
21 Plaintiff's responses.
  - 22 d. Top needs the subpoenaed records prior to deposing Plaintiff, and it also needs  
23 Plaintiff's special discovery responses from Plaintiff prior to deposing him.

1 e. Top has deferred deposing Plaintiff until receipt of these records and Plaintiff's  
2 discovery responses, with the concurrence of Plaintiff. Top intends to re-notice  
3 Plaintiff's deposition once these documents are produced.

4 f. In order to allow Top time to either secure these records by way of a Motion to Compel,  
5 or to allow Plaintiff to otherwise secure compliance from the recalcitrant third party, the  
6 additional time requested is necessary.

7 g. Plaintiff and Top desire to engage in this limited discovery before Mediation in order to  
8 maximize the prospects of resolution of this case.

9  
10 For the reasons set forth herein, upon agreement of all parties and good cause having been  
11 shown, the parties respectfully request that the Court approve the within Joint Stipulation to modify  
12 the Mediation deadline and continue the Case Management Conference.

13  
14 Dated: March 12, 2008

YARON & ASSOCIATES

15 /s/ Keith E. Patterson

16 By: \_\_\_\_\_

17 George D. Yaron  
18 Keith E. Patterson  
19 Attorneys for Defendant Top  
Innovations, Inc.

20 Dated: March 12, 2008

NORLAND & KAYS

21 /s/ Gregg L. Kays

22 By: \_\_\_\_\_

23 Gregg L. Kays  
24 Attorneys for Plaintiff

25 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
26 "conformed" signature (/S/) within this e-filed document.  
27  
28

**PROOF OF SERVICE**

I am over 18 years of age and not a party to the within action. I am employed in the County of San Francisco; my business address is Yaron & Associates, 601 California Street, 21st Floor, San Francisco, California 94108-2826.

On **March 12, 2008**, I served the within:

**JOINT STIPULATION TO EXTEND TIME FOR MEDIATION AND TO  
CONTINUE CASE MANAGEMENT CONFERENCE**

TO ALL PARTIES AS LISTED ON ECF PACER

✕ **VIA ELECTRONIC SERVICE:** I served a true copy, with all exhibits, electronically on designated recipients through PACER. Upon completion of electronic transmission of said document(s), a receipt is issued to serving party acknowledging receipt by PACER's system. Once PACER has served all designated recipients, proof of electronic service is returned to the filing party which will be maintained with the original document(s) in our office. This service complies with CCP §101.6.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on **March 12, 2008**, at San Francisco, California.



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IRIS NISHIMOTO